

## HANOVER PLANNING BOARD



*MARCH 15<sup>TH</sup>, 2006*  
MINUTES OF MEETING

### **PUBLIC HEARINGS FOR PROPOSED ZONING AMENDMENTS**

At 7:05 p.m. the Chairman, Peter Moll called the Public Hearing to order. Peter Moll, Bora Pervane, Rich Deluca, and Gary Hendershot were present. Associate members Bernie Campbell and Steven Rusko were also present. Maryann Brugnoli was absent. Peter Moll read the Articles before each was discussed.

**Article A:** This Article, submitted by the Planning Board, would amend the Zoning Bylaws of the Town, providing that municipal projects (which serve an overriding public purpose) are allowable uses within all Districts of the Town.

Peter Moll read the article. The Town Planner, Andrew Port explained some of the details of the article to the audience. Jim Rodriguez of 70 Elm Street cautioned how this zoning bylaw change could be interpreted by future Planning Board members. Rich mentioned that the permitting process would still have to be followed. The Town Planner told the audience that this would not be an issue for specific projects and it doesn't make sense to put hurdles in front of projects that have been deemed to be in the public's best interest. That this article would make the municipal use projects that have been voted for at Town Meeting would make their way through the permitting process easier. David Greene of the Advisory Committee suggested adding some language to indicate that this article applies to projects voted on and approved at Town Meeting.

**Article B:** This Article, submitted by the Planning Board, would amend the Zoning Bylaws of the Town, to require that Site Plans submitted to the Planning Board be submitted in both paper and digital format which complies with state mapping standards.

Peter Moll read the article and explained it briefly to the audience. Jim Rodriguez of 70 Elm Street suggested that it be required as a condition of approval and require the plans in their final stages rather than as a requirement of the application process. Peter indicated that the digital plans should be required whenever it is logical and asked the Town Planner if digital plans would be useful during the planning process. The Town Planner indicated that they would be useful but that in some cases it would be sufficient to get the plans at the completion of the permitting process.

**Article C:** This Article, submitted by the Planning Board, would amend the Zoning Bylaws of the Town, to specify more clearly that applications to the Planning Board and Zoning Board of Appeals must be complete prior to any action by such Boards and that fees submitted with the application must meet the most recent fee schedule on file with the Town Clerk.

Peter Moll read the article. The Town Planner, Andrew Port explained some of the details of the article to the audience. Jim Rodriguez of 70 Elm Street suggested that amendment could cause a problem because it could be difficult for an applicant to submit a complete plan. Tom Callahan of Longwater Drive also suggested that it would be difficult for an applicant to

submit a plan that was complete. The Town Planner clarified that this would only require a complete application, not a complete plan. There would still be the process of site plan review would not change, just that the applicant would have to make sure that their application was complete when submitted including correct fees and forms.

**Article D:** This Article, submitted by the Planning Board, would amend the Zoning Bylaws of the Town, to correct three cross-references to state statutes for septic and wastewater treatment facilities. The current language contains scrivener's errors inserted several years ago. Chairman Peter Moll read the article. There were no comments from the audience. The Town Planner explained that this was just a simple typographical change.

**Article E:** This Article, submitted by the Planning Board, would amend the Zoning Bylaws of the Town, to provide an exception to the over-55 age restriction in a PRDS (Planned Residential Development for Seniors) when a documented health care worker is required to assist a disabled resident.

Peter Moll read the article and briefly explained that by making this change the Bylaw would be in conformance with the Federal Fair Housing Act. Sid Elliot of 977 Broadway suggested that the Board change the age restriction language on the PRDS to indicate that only one resident needs to be over 55. Rich Deluca told the audience that if the Board was in violation of any state or federal laws the language should be corrected. Bora explained that the language for the PRDS came from HUD. Peter also explained that from his information of the inception of the PRDS provision changing the language to allow only one resident be over 55 would go against the spirit of the original PRDS provision. He then suggested that this subject could be taken up at a later time, and got the discussion back to the article. Donald White of 94 Setterland Farm Road suggested that the Board of Health should oversee the process of granting the exceptions. The Town Planner explained that the Zoning Enforcement officer is required to know about any exceptions to the Zoning Bylaws and that that should be the office to oversee the process.

**Article F:** This Article, submitted by the Planning Board, would amend the Zoning Bylaws of the Town, to allow Common Driveways accessing two lots within the Residence A District. Allowing Common Driveways will make it possible to access residential lots with a minimum of impact to wetlands and other environmental resources while at the same time reducing the number of curb-cuts necessary along a given roadway. Making Common Driveways available by Special Permit will ensure that contextual and neighborhood concerns are taken into consideration before a Common Driveway Permit is issued.

Peter Moll read the article and explained the Board's rationale for submitting the article. Sid Elliot of 977 Broadway pointed out some problems he felt it would create and then pointed out that the Board had gotten rid of this provision years ago. He felt that the Board was "flip-flopping". Peter explained that this Board was attempting to make a change to create a provision to benefit the Town. A few residents from Stonegate Lane asked about a specific situation they were concerned with on Stonegate Lane. The Board suggested they come in to see the Town Planner during business hours to discuss their concerns and get some information.

**Article G:** This Article, submitted by the Planning Board, would amend the Zoning Bylaws and Zoning Map of the Town, by rezoning all of the land north of Webster Street and within seven hundred (700) feet of the easterly way line of the Route 3 from "Residence A District" to Commercial District.

Peter Moll read the article and the Town Planner pointed out the area on the map. Peter explained that a portion of this area had been brought up last year at Town Meeting and the Board felt that that was an issue of spot zoning. This new article expanded the area to be rezoned. Selectman Al Rugman asked the Board if this zoning change would have any effect on a 40B development that is proposed for that area. The Board told him that it wouldn't affect it. The Town Planner explained to the audience what a 40B development is. Jim Rodriguez of 70 Elm Street asked the Board why they were against it last year and in favor this year. The Board explained that last years article was a spot zoning article and that the Advisory Committee also wanted more time to look at zoning changes along Route 53. The Board wants to inform all of the abutters to the property that there is a proposed zoning change in their neighborhood. Rich also let the audience know that this area was not part of the Adult Use District.

**Article H:** This Article, submitted by the Planning Board, would amend the Zoning Bylaws of the Town, to reduce the size of buildings constructed under the PRDS (Planned Residential Development for Seniors) bylaw. Individual buildings may contain no more than 5 dwelling units. This change is intended to reduce the possibility of oversized structures within a PRDS development. The current bylaw allows for up to 10 unit structures.

Peter Moll read the article and the Town Planner explained it briefly to the audience. Jim Rodriguez of 70 Elm Street asked if the change would cause the current PRDS' with six units per structure to become non-conforming. The Town Planner explained that the level of nonconformance would not be an issue for the current PRDS. Mr. Rodriguez suggested changing it from 10 units to 6 units instead of 5.

**Article I:** This Article, submitted by petition would amend the Zoning Bylaws of the Town, allowing for potential offset of common fees and expenses in a PRDS (Planned Residential Development for Seniors) by allowing for the rental of the clubhouse or other common recreational facilities of the PRDS to non-residents. When the underlying Zoning District is Residence A, such rental may not exceed 25% of the days of the year.

Peter Moll read the article and the Town Planner explained that this article was submitted by petition and not by the Planning Board as was noted. Sid Elliot of 977 Broadway told the audience that he had submitted the article and explained some of his reasons. Al Rugman agreed that there was a lack of function halls in Hanover. He wondered if the Town had any ability to regulate what was allowed to take place at the buildings in the PRDS'. There was then some discussion about what kinds of functions would be desirable. Jim Rodriguez of 70 Elm Street indicated that he was in favor of allowing the residents of the PRDS to rent out their community centers.

#### **Summary of Proposed Non-Zoning Articles:**

**Article W:** This Article, submitted by Petition, would rescind a portion of the Washington Street Public Way Layout beginning from the intersection of the Washington way line and lots at Map 48 Lot 19 and Map 49 Lot 10 then northwesterly along Washington way line for one hundred feet then to the intersection of the Washington Street way line at Map 48 Lot 20 and Map 48

Lot 21 then returning to Washington Street way line at Map 48 Lot 19 and Map 49 Lot 10. The Town will raise and appropriate \$1,000 to be expended by the Board of Public Works and direct the Board of Public Works to survey rescinded way area and turn this newly created parcel to the Hanover Conservation Commission.

Peter Moll read the article and the Town Planner gave a brief explanation. David Greene of the Advisory Committee spoke about some of the reasons he felt that this article was being brought to Town Meeting. He discussed the safety issues for the residents of the Cardinal Cushing School and the senior housing that were located on Washington Street. Sid Elliot of 977 Broadway talked about the safety of the area also and informed the Board of the history of closing the road and fatal accidents that had occurred in the past. Jim Rodriguez of 70 Elm Street discussed the traffic issues of the area at Four Corners and specifically Church Street he felt were caused by the dead ending of Washington Street in that location. Peter Moll expressed concern for the traffic and safety issues but also was apprehensive about turning the property over to the Conservation Commission to address traffic issues. Rich Deluca suggested that if safety was a concern that other Boards or departments should be involved also. Selectman Al Rugman also felt that it may need more research. Peter indicated that he was glad that the issue has been raised but felt that there may be a better way to resolve it.

**Article X:** This Article, submitted by the Board of Selectmen, would create a Consolidated Department of Municipal Inspections, to combine and coordinate the day-to-day administrative and inspection functions of the Planning Board, Board of Health, Building Department, and Conservation Commission.

Viola Ryerson spoke on behalf of the Selectmen. She indicated that the creation of this new position was a simple process that would unburden the affected departments. It would not usurp the responsibility or decision making authority of the involved Boards. It would make the Boards' loads easier by taking them out of the day to day mechanisms of their departments. She indicated that the position should be able to be filled by an individual who is already in a department head position. She also felt that this article would promote a cooperative spirit, decrease time constraints, and enhance a consolidated effort between the departments. Mrs. Ryerson also explained that this article was an outgrowth of the Government Study Committee. She indicated that there would be no micromanaging and would promote an organizational effort. Peter Moll then gave a brief overview of the article. Selectman, Al Rugman let the Board know that Steve Rollins had met with all of the other Boards to discuss the article. Vi told them that the Board of Health was "on board". Steve Rollins, Town Administrator told the Board that this was a successful template used in the 1980's and 90's to create the Municipal Finance Director's position. And that this position created a high level of efficiency. Vi indicated that by establishing the Municipal Finance Director's position the Bond Rating for the Town improved. Bora Pervane expressed some concern that the new position went beyond the idea of cooperation of efforts and was being developed to establish personnel control. Steve Rollins suggested that the administrative function would be a side benefit. Bora was also concerned that the DPW and Fire were not included in the article. He felt that they were essential to the inspection process. Steve Rusko, Associate Planning Board member, asked if they felt that the Town Planner or other Department Head would have enough time to take on the added responsibility of this position. Steve Rollins explained that there was a one year lead time for the position to come to fruition. Steve Rusko expressed concern that the Boards would be losing some of their control. Steve Rollins indicated that things would work better. Bernie Campbell, Associate Planning Board member, suggested that he was surprised that this has not happened sooner.

He felt that this would just formalize what was already taking place between the inspection departments. Bora then told the audience that the Planning Board didn't have any problem with the idea of cooperation; however he doesn't agree that another person can dictate the Town Planner's time and functions. He suggested that it would create inefficiencies for the Planning Department and recommended leaving the Planning Department out of the article. Vi then told the Board that the article needs some work and that she was hopeful that they could all work together to do the right thing.

**Article Y:** This Article, submitted by the Planning Board, would amend the General Bylaws of the Town, adding additional language to the section establishing Planning Board powers and duties in accordance with state statutes.

Peter Moll read the article and the Town Planner briefly explained that this would bring our requirements in line with most other communities. Jim Rodriguez of 70 Elm Street asked why we needed to change these sections. Andy Port the Town Planner indicated that there was no real change, that the Town already followed these statutes.

**Article Z:** This Article, submitted by the Planning Board, would provide funding necessary to develop a ten-year Master Plan for the Town, in accordance with state statutes. This comprehensive plan will coordinate all major Town functions to achieve specific goals and objectives over the next ten years.

Peter Moll read the article and complimented Andy Port the Town Planner for the work that he has done so far. Andy then discussed some reasons for developing a Master Plan. David Greene of the Advisory Committee asked what the process was for developing the Master Plan. Andy Port explained the process and informed the audience that all of the Boards in Town were involved in the development.

Viola Ryerson acknowledged the contributions that Planning Board member, Maryann Brugnoli has made to the Planning Board and to the Town and wished her well. The Chairman told the audience that the Board would be planning a celebration to recognize Maryann's contributions at a later date. Richard Deluca made a motion to adjourn at 10:15 p.m. Bora seconded the motion and it was so voted 4-0.

**Meeting was adjourned at 10:15 p.m.**

Respectfully Submitted,  
Margaret Hoffman  
**PLANNING BOARD SECRETARY**